

1 MCGREGOR W. SCOTT
United States Attorney
2 ROBERT J. ARTUZ
Special Assistant U.S. Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5
6 Attorneys for Plaintiff
United States of America

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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 HOPELYN RHIANNON AUSK,
14 Defendant.

CASE NO. 2:20-CR-0204-JAM
AMENDED STIPULATION REGARDING
EXCLUDABLE TIME PERIODS UNDER SPEEDY
TRIAL ACT; FINDINGS AND ORDER
DATE: March 2, 2021
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

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17 This case was previously set for a status conference on March 2, 2021. The government and
18 Defendant Hopelyn Rhiannon Ausk, by and through her counsel of record Douglas Beevers, (the
19 “parties”) now seek to continue the status conference to April 6, 2021, and exclude time under the
20 Speedy Trial Act and Local Code T4 for defense preparation.

21 **STIPULATION**

22 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
23 through defendant’s counsel of record, hereby stipulate as follows:

- 24 1. By previous order, this matter was set for status on March 2, 2021.
25 2. By this stipulation, the defendant now moves to continue the status conference to April 6,
26 2021, and exclude time between March 2, 2021, and April 6, 2021, under 18 U.S.C. § 3161(h)(7)(A),
27 B(iv) [Local Code T4].
28 3. The parties agree and stipulate, and request that the Court find the following:

1 a) The government has represented that the discovery associated with this case
2 includes approximately 500 pages of police reports, search warrant returns, subpoena returns,
3 photographs, EDD records, and bank/financial records, as well as several dozen jail call
4 recordings. The government is all in the process of gathering, formatting, and producing
5 additional evidence, including cellphone extractions and related forensic information. All this
6 discovery has been either produced directly to counsel and/or made available for inspection and
7 copying.

8 b) Counsel for defendant desires additional time to review the current charges,
9 obtain and review discovery, conduct research and investigation into the charges and alleged
10 acts, consult with his client, and otherwise prepare for trial.

11 c) At this time, the defendant has no objection to the Court's continuance of the
12 status conference to April 6, 2021, and agrees that such a continuance is necessary for effective
13 preparation as outlined below.

14 d) Counsel for defendant believes that the Court's continuance will provide them
15 reasonable time necessary for effective preparation, taking into account the exercise of due
16 diligence.

17 e) The government does not object to the continuance.

18 f) In addition to the public health concerns cited by the General Orders and
19 declarations of judicial emergency, and presented by the evolving COVID-19 pandemic, an
20 ends-of-justice delay is particularly apt in this case because defendant's counsel has relayed that
21 he has been delayed in consulting with defendant due to the COVID-19 pandemic and visitation
22 restrictions at the jail where the defendant is detained.

23 g) Based on the above-stated findings, the ends of justice served by continuing the
24 case as requested outweigh the interest of the public and the defendant in a trial within the
25 original date prescribed by the Speedy Trial Act.

26 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
27 et seq., within which trial must commence, the time period of March 2, 2021, to April 6, 2021,
28 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]

1 because it results from a continuance granted by the Court at defendant's request on the basis of
2 the Court's finding that the ends of justice served by taking such action outweigh the best interest
3 of the public and the defendants in a speedy trial.

4 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
5 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
6 must commence.

7 IT IS SO STIPULATED.

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9 Dated: February 25, 2021

McGREGOR W. SCOTT
United States Attorney

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11 /s/ ROBERT J. ARTUZ
ROBERT J. ARTUZ
Special Assistant U.S. Attorney

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14 Dated: February 25, 2021

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Assistant Federal Defender
Counsel for Defendant
HOPELYN RHIANNON AUSK

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20 **FINDINGS AND ORDER**

21 IT IS SO FOUND AND ORDERED this 25th day of February, 2021.

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24 /s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE